

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

BRADLEY WILLIAM MONICAL,

Plaintiff,

No. 1:17-cv-00476-YY

v.

ORDER

JACKSON COUNTY, et al.,

Defendants.

AIKEN, District Judge.

This case comes before the Court on Plaintiff Bradley Monical's Objections to Magistrate Judge's Order. ECF No. 201. This case is assigned to Magistrate Judge Youlee You and, as of October 18, 2019, all parties have consented to magistrate judge jurisdiction in this case. ECF No. 140. In his Objections, Monical seeks to withdraw his consent to magistrate jurisdiction and so the matter was referred to this Court. ECF No. 203. For the reasons set forth below, Monical's Objections, which the Court construes as a motion to withdraw consent, are DENIED.

If all parties to a civil action consent, all proceedings including trial and entry of judgment may be conducted by a magistrate judge. 28 U.S.C. § 636(c)(1); *Branch v. Umphenour*, 936 F.3d 994, 1000 (9th Cir. 2019); *Dixon v. Ylst*, 990 F.2d 478, 479-80 (9th Cir. 1993). "There is no absolute right, in a civil case, to withdraw consent to trial and other proceedings before a magistrate judge." *Dixon*, 990 F.2d at 480. Under

both the United States Code and the Federal Rules of Civil Procedure, once a civil case is referred to a magistrate judge under § 636(c), the reference can be withdrawn by the court only “for good cause on its own motion, or under extraordinary circumstances shown by any party.” 28 U.S.C. § 636(c)(4); Fed. R. Civ. P. 73(b)(3); *Branch*, 936 F.3d at 1002; *Dixon*, 990 F.2d at 480. A motion to withdraw consent or reference is to be decided by a district judge rather than the magistrate judge. *Branch*, 936 F.3d at 1003. “Good cause” and “extraordinary circumstances” are high bars that are difficult to satisfy. *Id.* at 1004. “Neither mere dissatisfaction with a magistrate judge’s decisions, nor unadorned accusations that such decisions reflect judicial bias, will suffice.” *Id.*

In this case, Monical seeks to withdraw his consent to magistrate jurisdiction because he is dissatisfied with Judge You’s rulings, which he attributes to bias. Such arguments are expressly foreclosed under *Branch*. Monical has failed to meet the high standard for withdrawing consent to magistrate jurisdiction and so his motion, ECF No. 201, is DENIED. This matter properly remains before Judge You for resolution of Monical’s claims.

It is so ORDERED and DATED this 30th day of August 2021.

/s/Ann Aiken
ANN AIKEN
United States District Judge